

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

THE COCA-COLA COMPANY, a
Delaware corporation,

Plaintiff,

vs.

JOHANNA FOODS, INC., a New Jersey
corporation,

Defendant.

Case No. 1:10-cv-03081 CAP

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

IT IS HEREBY STIPULATED by and between Plaintiff The Coca-Cola Company and Defendant Johanna Foods, Inc., and through their respective attorneys of record, that this action in its entirety be voluntarily dismissed with prejudice with each party to bear its own attorneys' fees and costs incurred herein. The parties further stipulate that the Court will retain jurisdiction to enforce the terms of their confidential settlement agreement.

Dated: November 28, 2011

REED SMITH LLP

By: /s/ Robert N. Phillips

Robert N. Phillips
(California Bar No. 120970)
Admitted *Pro Hac Vice*
robphillips@reedsmith.com
Seth B. Herring
(California Bar No. 253907)
Admitted *Pro Hac Vice*
sherring@reedsmith.com
101 Second Street, Suite 1800
San Francisco, CA 94105
Telephone: 415.543.8700
Facsimile: 415.391.8269

Jeffrey E. Tompkins
(Georgia Bar No. 714608)
j.tompkins@tkstlaw.com
Shukura L. Ingram
(Georgia Bar No. 383498)
s.ingram@tkstlaw.com
THOMAS KENNEDY SAMPSON
& TOMPKINS LLP
3355 Main Street
Atlanta, GA 30337
Telephone: 404.688.4503
Facsimile: 404.684.9515

Attorneys for Plaintiff
THE COCA-COLA COMPANY

Dated: November 28, 2011

By: /s/ Matthew Durell
Matthew Durell (GA Bar No. 142061)
durellm@pepperlaw.com
James M. Wodarski
(Admitted Pro Hac Vice)
wodarskj@pepperlaw.com
PEPPER HAMILTON, LLP
125 High Street
15th Floor, Oliver Street Tower
Boston, Massachusetts 02110
Telephone: 617.204.5100
Facsimile: 617.204.5150

Eric G. Maurer (GA Bar No. 478199)
eric.maurer@tkhr.com
THOMAS J. KAYDEN
600 Galleria Parkway SE, Suite 1500
Atlanta, GA 30339
Telephone: 770.933.9500
Facsimile: 770.951.0933

Attorneys for Defendant
JOHANNA FOODS, INC.

IT IS SO ORDERED.

November 29, 2011 /s/ Charles A. Pannell, Jr.
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that on November 28, 2011, I electronically filed the foregoing **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL** with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

James M. Wodarski
wodarskj@pepperlaw.com
Matthew D. Durell
durellm@pepperlaw.com
PEPPER HAMILTON, LLP
125 High Street, 15th Floor
Oliver Street Tower
Boston, Massachusetts 02110

Eric G. Maurer
eric.maurer@tkhr.com
THOMAS | KAYDEN
600 Galleria Parkway SE
Suite 1500
Atlanta, GA 30339

/s/ Robert N Phillips
Robert N. Phillips